UNITED STATES DISTRICT COURT BOSTON, MASSACHUSETTS

TIAX, LLC ANINDYA BORAL, and JAYATI BORAL Plaintiffs,

04-12530 NG

v. CIVIL ACTION FILE NO. TOM RIDGE, as Secretary of Department of Homeland Security; EDUARDO AGUIRRE, JR.as Director of United States **EMERGENCY** Citizenship and Immigration Services (US CIS); COMPLAINT FOR SANDRA T. BUSHEY, Acting Director of DECLARATORY Vermont Service Center of USCIS; RELIEF IN THE NATURE DEPARTMENT OF HOMELAND SECURITY: OF and ALL UNKNOWN GOVERNMENT AGENCIES MANDA INVOLVED IN SECURITY CHECKS AMOUNT \$ 1 FOR H-1B APPLICANTS SUMMONS ISSUED Defendants) LOCAL RULE 4.1 WAIVER FORM. MCF ISSUED I. BY DPTY, CLK INTRODUCTION

1. This is an individual action for declaratory and mandatory relief, authorized by the Declaratory Judgment Act, 28 USC Section 2201 and 28 USC Section 1361, and the Administrative Procedure Act, 5 USC Section 551 et seq. This action challenges the Defendants' failure to adjudicate the H-1B petition and application for extension of stay which the Plaintiffs filed March 1, 2004.

II. JURISDICTION

2. This Court has jurisdiction over the present action pursuant to 28 USC Section 1331, Federal Question Jurisdiction; and 28 USC Section 2201, the Declaratory Judgment Act; 5 USC Section 702, the Administrative Procedures Act; 28 USC Section 1361, regarding an action to compel an officer of the United States to perform his duty.

III. VENUE

3. 28 USC Section 1391(e), as amended, provides that in a civil action in which each defendant is an officer or employee of the United States or any agency thereof acting in his official capacity, the action may be brought in any judicial district in which the Plaintiff or a Defendant in the

action resides. Plaintiff, TIAX LLC, is a business located at 15 Acorn Park in Cambridge, Massachusetts 02140 and the Plaintiffs, Anindaya and Jayathi Boral, reside at 50 Craigie St., Apt. #22 in Somerville, Massachusetts, 02143.

IV. PLAINTIFFS

- 4. Plaintiff, TIAX LLC, is the employer of Plaintiff Anindya Boral. Formerly the technology and innovation division of Arthur D. Little, TIAX LLC is a consulting company, TIAX LLC helps clients leverage technology for business gain, values intellectual assets and patents, integrates new technology in clients products, and develops strategies to manage clients R&D resources.
- 5. Plaintiff, Anindya Boral, is an Indian mechanical engineer and employee of TIAX LLC. He has lived in the U.S. since August 11, 1997 when he came to purse a Masters Degree in Mechanical Engineering at Pennsylvania State University. Since graduating with a 3.92 grade point average, Mr. Boral has been employed as a mechanical engineer for various U.S. employers. Since January 5, 2000, Mr. Boral has been employed in H-1B status, H-1B status is the status which authorizes employment in a specialty occupation such as mechanical engineering. Most recently, he has been employed in H-1B status for Arthur D. Little and then TIAX LLC. (Documentation included in Exhibit A.)
- 6. Plaintiff, Jayathi Boral, is the spouse of Plaintiff, Anindya Boral. Since February 6, 2003, Mrs. Boral has been in the U.S. in H-4 status which is the status for dependants of H-1B professionals. She is included as Plaintiff because her status is dependant upon Mr. Boral's and his is dependant upon the H-1B petition submitted by his employer, Plaintiff TIAX LLC.
- 7. Both Mr. and Mrs. Boral are within the zone of interest controlled by this action and therefore also have standing.

V. DEFENDANTS

- 8. Defendant, the Department of Homeland Security, is a Federal agency that is mandated under the law through its Director, 8 USC Section 1103(a), to supervise, implement, and enforce the Immigration and Nationality Act, including H-1B petitions and applications for extension of stay.
- 9. Defendant, Tom Ridge, is the duly appointed Secretary of Homeland Security and charged under the law, 8 USC Section 1103(a), with supervising, implementing, and enforcing the Immigration and Nationality Act.
- 10. Defendant, Eduardo Aguirre, Jr., is the duly appointed Director of United States Citizenship and Immigration Services, and charged under the law, 8 USC 1103(c), with the implementation of benefits under the Immigration and Nationality Act.

- 11. Defendant, Sandra T. Bushey, is the Interim Director of the Vermont Service Center. This Center is the office of the U.S. Citizenship and Immigration Services where the Plaintiffs' H-1B petition has been pending since March 1, 2004. The Premium Processing Unit is part of the Vermont Service Center.
- 12. Defendants, Department of Homeland Security and Unknown Government Agencies, are those additional government agencies unknown to the Plaintiffs or Plaintiffs' counsel, that may also be involved with processing security checks for applicants for H-1B extensions processed by the Department of Homeland Security.

VI. FACTUAL ALLEGATIONS

- 13. On March 1, 2004, Plaintiffs TIAX LLC filed the H-1B petition and Mr. and Mrs. Boral's applications for extension of stay with the Vermont Service Center of U.S. Citizenship and Immigration Services. (See Exhibits A & B)
- 14. On May 25, 2004, Plaintiffs paid an additional \$1,000 for premium processing to expedite adjudication of this H-1B petition. (See Exhibit C)
- 15. On May 26, 2004, Defendant's transferred this case to the Premium Processing Unit and issued a receipt stating that the Plaintiffs should receive notice within 15 days. (See Exhibit D)
- 16. To date, the Plaintiffs' H-1B petition remains pending. Defendants have not adjudicated the case either within the 150 day timeframe indicated on the original receipt (Exhibit B) or within the 15 days indicated on the receipt for "premium processing". (Exhibit D)
- 17. On information and belief, Plaintiffs' prior counsel called the Premium Processing Unit on several occasions to inquire about this delay. On July 8, 2004, they were told that Plaintiffs' case had been randomly selected for a security check. (See Exhibit E and Affidavit of Counsel)
- 18. Thereafter, Plaintiffs' prior counsel called the Premium Processing Unit of the Vermont Service Center on a monthly basis for updates, to no avail. (See Exhibit E)
- 19. On October 13, 2004, Plaintiffs' prior counsel wrote a letter to the Premium Processing Unit marked "Urgent Attention Requested" (See Exhibit F) This letter requested adjudication and explained that Mr. Boral was "rapidly approaching the 240 day cut off for continued employment" under 8 CFR 274a.12(b)(20). Still Defendants did not adjudicate the pending H-1B petition.
- 19. On November 17, 2004, present counsel for Plaintiffs sent Defendants a letter entitled Notice of Intent Notice of Intent to File Mandamus Action in Federal District Court. (See Exhibit G). Defendants have not responded to this letter in any way and still have not adjudicated the H-1B petition.

- 21. On information and belief, the individual Plaintiffs, Mr. and Mrs. Boral, have no criminal record and a history of scrupulous compliance with the immigration law. The U.S. Immigration Service has previously approved two H-1B petitions on behalf of Mr. Boral. (Approvals included in Exhibit A)
- 22. Mr. Boral's authorization to work expires on December 1, 2004. After that, he cannot continue to work for Plaintiff TIAX, LLC. This is because, TIAX LLC could become subject to employer sanctions for hiring an alien who is not authorized to work. (8 USC 134a (A)(2))
- 23. Plaintiff, Mr. Boral, is currently authorized to work under 8 CFR 274a. 12(b)(20.) This regulation provides an 240 day extension of employment authorization for certain nonimmigrants who, like Mr. Boral, file a timely application for extension of stay.
- 24. Mr. Boral's last H-1B approval was valid until April 5, 2004. The Plaintiffs, Mr. Boral and his employer, filed a timely application for extension of H-1B status on March 1, 2004. Thus, he is authorized to work until December 1, 2004 (240 days beyond April 5, 2004.)
- 25. If Mr. Boral works beyond December 1, 2004, this could be considered unauthorized employment which would disqualify him from the pending extension. (8 CFR 214.1 (c)(4)) Similarly, his employer, Plaintiff TIAX LLC, could face fines and penalties for continuing to employ him beyond that date.
- 26. Plaintiff, Mrs. Boral is not authorized to work and is financially dependent upon her husband.
- 27. Mr. and Mrs. Boral cannot afford to stay in the U.S. beyond the end of December 2004 without any income. Because of the insecurity of her present status, Mrs. Boral has already made plans to return to India to await the resolution of this case.
- 28. Thus, if this case is not adjudicated before December 31, 2004, Mr. Boral will also be forced to return to India shortly. This will cause all of the Plaintiffs terrible hardship.
- 29. The employer, TIAX, LLC is a small collaborative research and development company. They help clients accelerate their innovation by providing technical know-how and expertise. Mr. Boral unique skills and experience, and his excellent reputation with TIAX LLC clients are critical to the business. Mr. Boral's technical expertise includes fluid dynamics, heat transfer, combustion modeling and structural analysis. Mr. Boral is TIAX LLC's key technical resource for two important business areas: Computational Fluid Dynamics (CFD) and Liquefied Natural Gas (LNG) Interchangeability. Mr. Boral supervises the CFD activities and is responsible for bringing in about \$1,000,000 annually to that business area. TIAX would not be profitable without this revenue. Mr. Boral expertise and experience are extremely rare and hard to find. TIAX LLC have recently lost three individuals with similar (but not equaled) CFD expertise, and they have not been able to find suitable replacements. If Mr. Boral were to leave TIAX, their CFD and LNG Interchangeability business activities would be terminally undermined.

- 30. Mr. Boral, would suffer the loss of employment, damage to his professional career and financial loss of everything he has worked for during 7 years in the U.S. He and his wife would lose their apartment, their friends and professional colleagues in the U.S. Such hardship to the Plaintiffs is not warranted by what appears to be a pro forma security check.
- 31. Defendants have twice granted Mr. Boral H-1B status by approving prior H-1B petitions on his behalf. Defendants have allowed him to travel in H-1B status and re-admitted him in that status to the U.S. Every time, the Defendants have considered Mr. Boral's previous applications, they have found him in compliance with immigration regulations and eligible for H-1B status.
- 32. There is no reason to believe that he is not now eligible for the pending H-1B extension. Defendants have had nine months to finish the security check.

VII. CLAIM FOR RELIEF

- 33. Defendants have willfully, and unreasonably refused to adjudicate Plaintiffs, pending H-1B petition and applications for extension of stay filed pursuant to 8 USC 1101 (a)(15)(h)(i)(B), 1184 (g) and 1356 (u).
- 34. Upon information and belief, the normal period for adjudication of H-1B extensions has passed months ago. This is evidenced by the fact that the Defendants own receipts in this case estimated 150 days for processing the case as initially submitted. (Exhibit B)
- 35. Plaintiffs have done everything in their power to expedite this case and prevent the current crisis. They filed the initial extension early on March 1, 2004. When it wasn't approved, they requested premium processing on May 25, 2004 and paid the additional \$1,000 for this service.
- 36. Defendants accepted the \$1,000 and sent a receipt for the premium processing stating that the parties would receive a reply in 15 days. That was May 26, 2004, and Defendants still have not replied. They have unreasonably failed to provide premium processing. The premium processing was authorized by legislation, P. L. 106-553, which amended section 286 of the Immigration and Nationality Act (8 USC 1356(u).) The statute provides "this fee shall be used to provide certain premium-processing services to business customers, and to make infrastructure improvements in the adjudications and customer-service processes. For approval of the benefit applied for, the petitioner/applicant must meet the legal criteria for such benefit." Defendants, have not given any indication that the Plaintiffs do not meet the legal criteria and have failed in their duty to provide premium processing services.
- 37. Plaintiffs counsel have made many phone calls, written letters, given advance notice of intent to file this mandamus. Yet Defendants have failed to adjudicate this case.
- 38. It strains credulity that the United States government, specifically the Defendants, could not finish a security check for one person in nine months. This unconscionable delay is a denial

of substantive and procedural due process to Plaintiffs.

- 39. Plaintiffs have exhausted any administrative remedies that may exist.
- 40. Strong humanitarian factors genuinely exist in these circumstances as Plaintiffs have made every effort to file their applications early, to provide all necessary documentation to the government, they have diligently follow-up with DHS to obtain a timely decision in their case and the failure of the government to grant their case will result in the major disruption of their family's lives, and the Plaintiff employer's business.

WHEREFORE, Plaintiffs pray that the Court:

- (1) Compel Defendants, and those acting under them, to perform their duty to adjudicate the Plaintiffs' H-1B petition and application for extension of stay. This includes completion of the random security check, if necessary.
- (2) Compel the Defendants to adjudicate this case before December 31, 2004 so that the Plaintiffs will not have and depart the United States.
- (3) Compel the Defendants to issue timely approval notices which will permit uninterrupted employment and the Boral's maintenance of H-1B and H-4 status.
- (4) Grant such other and further relief as this Court deems proper under the circumstance; and

RESPECTFULLY SUBMITTED this 1st day of December, 2004.

Maureen O'Sullivan

Counsel for Plaintiffs

Kaplan O' Sullivan & Friedman LLP

10 Winthrop Square 3rd F1

Boston, MA 02110

(617) 482-4500

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record in the foregoing matter with one copies of the foregoing Response to Respondent's Plaintiff'S EMERGENCY COMPLAINT FOR DECLARATORY RELIEF AND RELIEF IN THE NATURE OF MANDAMUS by postage prepaid mail a copy of same as follows:

> Eduardo Aguirre, Director U.S. Citizenship and Immigration Services 425 I Street, N.W. Washington, D.C. 20536

Tom Ridge, Secretary of Homeland Security U.S. Department of Homeland Security Nebraska Avenue Center, N.W. Washington, D.C. 20508

Office of the General Counsel U.S. Department of Homeland Security Washington, D.C. 20258

Sandra T. Bushey, Interim Center Director PREMIUM PROCESSING UNIT USCIS Vermont Service Center 30 Houghton Street St. Albans, VT 05478-2399

U.S. Attorneys Office (Hand Delivery) U.S. Courthouse, Suite 9200 1 Courthouse Way Boston, MA 02110

This 1st day of December, 2004. Counsel will also provide formal service with summons, but has sent these copies due to the urgent nature of the case.

Maureen O'Sullivan

Counsel for Plaintiffs

Kaplan O' Sullivan & Friedman LLP

10 Winthrop Square 3rd FI

Boston, MA 02110

(617) 482-4500

AFFIDAVIT OF COUNSEL

- 1. My name is Maureen O'Sullivan and I am an attorney licensed to practice in the State of Massachusetts. (B.B.O. Reg. No. 380835).
- 2. I currently represent TIAX LLC, and Anindya Boral and his wife Jayati Boral in their effort to obtain approval of the pending H-1B petition.
- 3. They were previously represented by Laurie Riccio, of the Law Offices of Richard M. Costa. As is evidenced in the attached Exhibits A-F, Ms. Riccio initially filed the H-1B petition on March 1, 2004.
- 4. Thereafter, prior counsel requested premium processing on May 25, 2004 and Plaintiffs paid the additional \$1,000 premium processing fee. (Exhibit C& D)
- 5. Mrs. Riccio stated that she was informed by telephone on July 8, 2004 that Plaintiff's case had been selected for a random security check. This is only reason given for the lack of adjudication. Since then she has followed up on a monthly basis to no avail. (Exhibit E)
- 6. Current counsel was retained on November 17, 2004. That same day, I sent a notice of intent to file a mandamus action to the Defendant, the Vermont Service Center of the U.S. CIS. This is the office responsible for adjudication the pending H-1B petition. To date there has been no reply.
- 7. The Defendants have not adjudicated the petition and have failed in their duty to provide adjudication within a reasonable period of time and specifically to provide premium processing on an expedited basis.

LIST OF EXHIBITS

EXHIBIT A	Copy of Plaintiffs' H-1B petition and application for extension of stay filed March 1, 2004.
EXHIBITB	Receipts for H-1B petition and extension of stay applications for Mr. and Mrs. Boral.
EXHIBIT C	Copy of request for premium processing submitted May 25, 2004.
EXHIBIT D	Receipt for payment of \$1,000 premium processing fee.
EXHIBITE	Letter from Plaintiffs prior counsel stating they were informed of the random security check on July 8, 2004 and have continued to follow up monthly to no avail.
EXHIBIT F	"Urgent Attention Requested" letter of October 13, 2004 from prior counsel explaining the urgent, need for adjudication.
EXHIBIT G	Notice of intent to file mandamus sent to Defendant at Vermont Service

Premium Processing Unit Center on November 17, 2004.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

1.	Title of case (name of first party on each side only)				TIAX LLC v. Ridge					
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The JS-44 civil cover sheet and the information. Document 1-2 Filed 12/01/2004 Page 2 of 2 CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is FORM.)

FORM.)

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Law Offices of RICHARD M. COSTA

18 Tremont Street

Boston, Massachusetts 02108 -

Richard M. Costa Laurie B. Riccio Cecilia M. Hanley Ellen Davey-Fleming Adrienne J. Vaughan

Tel:(617)742-4444 Fax:(617)742-0805 Email: Richard@Rcosta.com

COVER MEMO FOR H-1B PETITION

Date: February 26, 2004

Center Director, Citizenship and Immigration Services, St. Albans, Vermont To:

H-1B Visa Petition of TIAX LLC on behalf of Mr. Anindya BORAL Re: Request for Extension of Nonimmigrant Status

Enclosed please find the following documents for filing in the above-captioned matter:

Form G-28: Notice of Appearance

Form I-129W: H-1B Data Collection & Filing Fee Exemption

Form ETA 9035: Labor Condition Application Form I-129: Petition For A Nonimmigrant Worker

Letter from Ms. Angela Cheng-Cimini, Director, Human Resources dated February 19,

2004

Copy of Master's Diploma in Mechanical Engineering from The Pennsylvania State University dated August, 1999

Copy of Transcript from The Pennsylvania State University

Copy of Bachelor's Degree from the University of Pune dated December 12, 1996

Form I-797: Notice of Approval of H-1B Visa Petition (2)

Form I-94: Arrival-Departure Record and Visa stamp

Form I-20A: Endorsed to reflect authorized practical training

Form I-688: Employment Authorization valid to June 30, 2000

Recent Earnings Statement

Form G-28: Notice of Appearance

Form I-539: Application to Extend Nonimmigrant Status (\$140.00)

Form I-94: Arrival-Departure Record and Visa stamp

Marriage Certificate

Filing Fee: \$270.00

Ms. Cheng-Cimini CC:

Mr. Boral

U.S. Department of Justice

Immigration and Naturalization Service

Notice of Entry of Appearance as Attorney or Representative

Appearances - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon nonfication of the new attorney or representative. When an appearance is made by a person acting in a representative capacity. his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. Availability of Records - During the time a case is pending, and except as otherwise provided in 8 CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103 10 Date: 02/18/2004 In re: TIAX LLC File No. N/A On behalf of Anindya A. BORAL Thereby enter my appearance as attorney for (or representative of), and at the request of the following named person(s), E Petitioner [] Applicant Name: TIAX LLC [] Beneficiary (State) (Zip Code) (Number & Street) (City) Address: (Apt. No.) MΑ 02140 Cambridge 15 Acorn Park Applicant Petitioner Name: Anindya A. BORAL 🗵 Beneficiary (Zip Code) (State) (City) (Number & Street) Address: (Apt. No.) Somerville MA 02143 25 Linden Avenue Check Applicable Item(s) below. x 1.1 am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia U.S. Supreme Court and ain not under a court or administrative agency Name of Court order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board: 3. Lam associated with the attorney of record previously filed a notice of appearance in this case and my appearance is at his request. (If you check this nem, also check item 1 or 2 whichever is appropriate.) 4. Others (Explain Fully.) COMPLETE ADDRESS SIGNA FURE Law Offices of Richard M. Costa 18 Tremont Street Suite 601 Boston MA 02108 TELEPHONE NUMBER NAME (Type or Print) Fax Number: (617)742-0805 Richard M Costa/Laurie B Riccio/Cecilia M Hanley/Adrienne J Vaughan/ (617)742-4444 PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS. Richard M Costa/Laurie B Riccio/Cecilia M Hanley/Adrienne J Vaughan/ Ellen R Davey-Fleming (Name of Attorney or Representative) THE ABOVE CONSENT TO DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER. All Immigration Matters Date Signature of Person Consenting Name of Person Consenting Angela Cheng-Cimini, Director, Human Resources (NOTE: Execution of this box is required under the Privacy Act of 1974 where the person being represented is a citizen of the United States or an alien lawfully admitted for permanent residence.)

U.S. Department of Justice Immigration and Naturalization Service H-1B Data Collection and Filing Fee Exemption

Petitioner's Nam	ne: TIAX LLC			
	General ormation - (check all items that apply)			
 Is the peti Has the p Is the ben a. If yes 	ditioner a dependent employer? Detitioner ever been found to be a willful vio the state of the	of pay is equal to at least \$60,00	00? ated to the employme	Yes No X X X Int?
Beneficiary's La	ast Name Firs	t Name	:	Middle Name
BORAL		ANINDYA		A
Attention To or I	In Care Of Curr	rent Residential Address - Street		Apt. #
	25	Linden Avenue		12
City		State		Zip Code
Somerville	Highest Level of Education. Please check o	MA		02143
Some co One or n Associat Bachelon X Master's Doctorat Major/Primary Fi M e c h Rate of pay per ye \$70,000	hanical En	SW, MBA) B, JD) • g i n e e r i	n g NAICS Code 5 4 1	6 1 0
In order for the In questions: Yes No	nmigration and Naturalization Service to determ	nine if you must pay the additiona	l \$1.000 fee, please ans	ower all of the following
ı. 🗌 🕱	Are you an institution of higher education as de 1001 (a)?	efined in the Higher Education Ac	t of 1965, section 101(a). 20 U.S.C. section
2. X	Are you a nonprofit organization or entity relathigher education are defined in the Higher Edu	ed to or affiliated with an instituti cation Act of 1965, section 101(a)	on of higher education. 3. 20 U.S.C. section 100	as such institutions of 01(a)?
3. X	Are you a nonprofit research organization or a	governmental research organization	on, as defined in 8 CFR	214.2(h)(19)(iii)(C)?
	Is this the second or subsequent request for an e			
5. X	Is this an amended petition that does not contain	n any requests for extension of sta	ıy?	
6. X	Are you filing this petition in order to correct a	Service error?		
7. X	ls the petitioner a primary or secondary education	on institution?		
	Is the petitioner a non-profit entity that engages training of students registered at such an institut		ted clinical	
If you answered Y	ES to any of the sections above, you are ONLY	Y required to submit the fee for yo	our H-1B Form 1-129 pe	etition, which is \$130.00.

U.S. Department of Labor Employment and Training Administration

Form ETA 9035E OMB Approval: 1205-0310 Expiration Date: 31 JAN 2004

ELECTRONIC FILING OF LABOR CONDITION APPLICATION FOR THE H-1B NONIMMIGRANT VISA PROGRAM

This Department of Labor, Employment and Training Administration (ETA), electronic filing system enables an employer to file a Labor Condition Application (LCA) and obtain certification of the LCA. This Form must be submitted by the employer or by someone authorized to act on behalf of the employer.

A.) Lunderstand and agree that, upon my receipt of ETA's certification of the LCA by electronic response to my submission, I must take the following actions at the specified times and
circumstances:
 print out and sign a hardcopy of the electronically filed and certified LCA;
 maintain a signed hardcopy of this LCA in my public access file;
• submit a signed hardcopy of this LCA to the Immigration and Naturalization Service in

	support of the I-129, on the date of submission of the I-129; and
•	provide a signed hardcopy of this LCA to each H-1B nonimmigrant who is employed
	pursuant to the LCA.
	Yes O No

statements in the I set out in the LCA	and agree that, by filir LCA are true and accu (Form ETA 9035E) No	urate and that I an	n undertaking all	the obligations that	t are
O I choos	se one of the following to have the Form E by the LCA obligations	TA-9035CP elect	tronically attached	, , _C	
		or			
	se not to have the Fore ead the instructions ar				

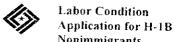


Labor Condition Application for H-1B Nonimmigrants

U.S. Department of Labor Employment and Training Administration

Form ETA 9035E OMB Approval: 1205-0310 Expiration Date: 31 JAN 2004

A. Employer's Information			
a Disprojet 5 intol mation		1. Return Fax Number	
2. Employer's Full Legal Name			
TIAX LLC		v	
3. Employer's Address (Number and Street)			
ACORN PARK			
ACOMY 1 MM			
4. Employer's City		State	Zip/Postal Code
CAMBRIDGE		MA	02140
5 Employer's Address FIN Number	6. Employer's Phone N	Iumber	Extension
5. Employer's Address EIN Number 46 - 0478749	(617) 498-6		EVICHQUII
10 01,0112	(12), 133	· · · · ·	
B. Rate of Pay	2. D		D. N.
Wage Rate (or Rate From) (Required):	3. Rate is Per:	4. Is this position part-time?	Please Note: Part-time hours
\$70,000.00		ek part and.	worked by
	○ Month ○ How	ır () Yes	nonimmigrant(s) will be in the range of
2. Rate Up To (Optional):		● No	hours stated on the
\$0.00	◯ 2 Weeks	_	INS Form(s) 1-129.
		· · · · · · · · · · · · · · · · · · ·	
C. Period Of Employment and Occupation	on Information		
1. Begin Date	3. Occupational Code	4. Numbe	r of H-1B Nonimmigrants
04/06/2004	0 θ 7	0	0 1
2. End Date	<u> </u>	[0]	
01/04/2006			
5. Job Title			
MECHANICAL ENGINEER			
D. Information relating to Work Location	on for the H-1B Nonimmi	grants	
1. City		Sta	te
CAMBRIDGE		MZ	A
2. Prevailing Wage	3. Wage i	=	age Source
\$53,726.00	Year	○ Week	SESA
	○ Mont	h O Hour O	Collective
5. Year Source Published) mont	11 O HOUL O	Bargaining Agreement
2004	◯ 2 We	eks	Other
) z 110		
6. Other Wage Source			
6. Other Wage Source OES		_	



U.S. Department of Labor

Form ETA 9035E

		Nonimmigrants	Employment and Training Admin		OMB Approval: 1205-0310 Expiration Date: 31 JAN 2004
Э.	Subsection A	Information For Add	litional or Subsequent Work Locatio	n	Expiration Date: 31 JAIN 2004
	L. City				State
	2. Prevailing W	iage	3. Wage is Per:		4. Wage Source
			◯ Year	◯ Week	◯ SESA
	5. Year Source	Published	○ Month	○ Hour	Collectve Bargaimng Agreement
	6. Other Wage S	Source	2 Weeks		Other
E	. Employer L	abor Condition Staten	nents	 -	
į	Please Note:	In order for your applications of the heading "Emp	ation to be processed, you MUST read se loyer Labor Condition Statements" and	ection E of the agree to all	ne Labor Condition Application four labor condition statements
	(1) Wages: Pay non-product	nonimmigrants at least the ive time. Offer nonimmig	local prevailing wage or the employer's act rants benefits on the same basis as U.S. wor	tual wage, w rkers.	hichever is higher, and pay for
	(2) Working Co workers sim	nditions: Provide working ilarly employed.	conditions for nonimmigrants which will n	ot adversely	affect the working conditions of
	(3) Strike, Locke	out, or Work Stoppage: N	o strike or lockout in the occupational class	ification at th	he place of employment.
	(4) Notice: Noti	ice to union or to workers a	at the place of employment. A copy of this	form to H-11	3 workers.
	l have	read and agree to Emplo	yer Labor Condition Statements 1, 2, 3, a for Condition Application Cover Pages.		● Yes ○ No

F. Additional Employer Labor Condition Statments

FOR GOVERNMENT USE ONLY



Labor Condition Application for H-1B Nonimmigrants

U.S. Department of Labor Employment and Training Administration

Form ETA 9035E

OMB Approval: 1205-0310

Expiration Date: 31 JAN 2004

G. Public Disclosure Information

Public disclosure	information	will be	kept at:
-------------------	-------------	---------	----------

Employer's principal place of business

O Place of employment

H. Declaration of Employer

By signing this form, I, on behalf of the employer, attest that the information and labor condition statements provided are true and accurate; that I have read the sections E and F of the cover pages (Form ETA 9035CP), and that I agree to comply with the Labor Condition Statements as set forth in the cover pages and with the Department of Labor regulations (20 CFR part 655, Subparts H and I). I agree to make this application, supporting documentation, and other records, available to officials of the Department of Labor upon request during any investigation under the Immigration and Nationality Act.

1. First Name of Hiring or Other Designated Official

MI

ANGELA

2. Last Name of Hiring or Other Designated Official

CHENG-CIMINI

3. Hiring or Other Designated Official Title

DIRECTOR, HUMAN RESOURCES

18. Date 02.03.07

4. Signature - Do NOT let signature extend beyond the box

Making fraudulent representations on this Form can lead to civil or criminal action under 18 U.S.C. 1001, 18 U.S.C. 1546, or other provisions of law.

I. Contact Information

1. Contact First Name

RICHARD

M! M

2. Contact Last Name

COSTA

3. Contact Phone Number

(617)742 - 4444

Extension

J. U.S. Government Agency Use Only

By virtue of my signature below, I hereby acknowledge this application certified for

Date Starting

04/06/2004

and Date End

01/04/2006

William L. Culsar

high Division of Education Labor Cartificat

04040

Signature and Title of Authorized DOL Official

ETA Case Number - Date

The Department of Labor is not the guarantor of the accuracy, truthfulness, or adequacy of a certified labor condition application.

K. Complaints

Complaints alleging misrepresentation of material facts in the labor condition application and/or failure to comply with the terms of the labor condition application may be filed with any office of the Wage and Hour Division of the United States Department of Labor. Complaints alleging failure to offer employment to an equally or better qualified U.S. worker, or an employer's misrepresentation regarding such offer(s) of employment, may be filed with: U.S Department of Justice * 10th Street and Constitution Avenue. NW * Washington, DC * 20530.

FORM CERTIFIED

U.S. Department of Justice Immigration and Naturalization Service

Petition for a Nonimmigrant Worker

anoi manon ab	Out the employer cr		_ FOR IN	S USE ONLY
is an individual, use th	out the employer filing this petition to promise the top name line. Organizations should use the	on. If the employer		3 USE ONLY
Family Name	the top name line. Organizations should use the	second line.	Returned	Receipt
	Name	Middle	· ,	
Company or TIAX LLC Organization Name		Initial		
Address - Attn:				
Angela Chena-	Cimini Divers		Resubmitted	
C	Cimini, Director, Human Resources			
Street Number 15 Acorn Park		 -		
City		Apt		
Cambridge	State or	#		
_	Province MA		Reloc Sent	
Country USA			• 1	
IRS	Zip/Postal Code	2140		
Γ _{αχ #} 46-0478749	Code			
Part 2. Information abou	If this netition		Reloc Rec'd	
THE INSTITUTIONS TO DESERT	mine the fee.		and Accid	
Trequested Nontimination Cl.				
- Louis Chill Chill Chile	, H 10			
Dasis for Classification (Check of	one)			
a L New employment			Interviewed	
b. Continuation of previou	isly approved employment without change		I I	
c X Change in previously ap	proved employment without change		Petitioner	
Concurrent employe	The - 4		Beneficiary	
From Petition, If you checked as				
most recent prior petition number for	or the worker(s): EAC 04 442 (above) give	e the	Class:	
Requested Action: (Check one)	27.10-01-149-54089		# of Workers.	
a. Notify the office in Part 4	so the person(s) can obtain a visa or be admitted or an E-1, E-2 or R visa)		Priority Number:	
a petition is not required f	or an E-1 E-2 or Parisas	(NOTE:	Validity Dates:	
Change the person(s) statu	10 - 1		From	
in another status (see instri	is and extend their stay since they are all now in the uctions for limitations). This is available only who in item 2, above.	ie U.S	To	
There Employment"	in item 2 at	ere you	Classisfication	
c. Extend or amend the stay of	of there were a second		LJ Consulate/POE/PF	I Notified
Total number 6	of ther person(s) since they now hold this status.	i	At:	
Total number of workers in petiti	on:	j	Extension Granted	
(See instructions for where more the	an one worker can be included.) ONE	<u> </u>	COS/Extension Gr.	anted
13. Information about 4	he person(s) you are filing for. Use the continuation shorts:		Partial Approval (explain)	
Complete the blocks hale	ne person(s) you are filing for	I		
. Person included in this pack	Use the continuation sheet to name each	<u> </u>		
itertainment group	711.	Ā	etion Block	
eir group name				J
BORAL	Given			İ
Dist	Given ANINDYA Name	liddle A		l
Birth (Day/Year) 12/29/1974	Count	itial		j
	of Birth India			}
# 210-76-2551		_		1
"	A N/A			1
United States, complete the following:		1		I
\ITivai				1
Day/Year) 02/06/2003	1-94 # 090896951 10		To Be Completed b	
lonimmigrant		×	AUDINEV OF Dance	•
H-1B	Expires (Month/Day/V - + 04/05/2009)		Fill in box if G-28 is attached the applicant	to represent
	(Month/Day/Year) 04/05/2004		-AG#	
			-··	
		 		- 1
		I A T	Y State License #	

5ge ⁴ Y(10/01-21 728) 921-1 imo ³	
Name — Law Offices of Richard M. Costa 18 Tremont Street Suite 601 Boston MA 02108 ddress	
Richard M CostalLanne B RicciolOcecilia M Hanley/ Adrenne J Vaughan/ Elten R Davey-Fleming	
unc Print Name Date	ຍແຮ້ເຊ
are that I prepared this perition at the request of the above person and it is based on all information of which I have any knowledge	loob .
7. Signature of person preparing form, if other than above.	na P
e Sote. If you do not completely fill out this form and the required supplement, or fail to submit required documents fisted in the instructions, then the n(s) filed for may not be found efigible for the requested benefit, and this petition may be denied.	21688 02150
Mor. Human Resources Class Cheng-Cimini	Dire
And	
by, under penalty of perjury under the laws of the United States of America, that this petition, and the evidence submitted with it, is all true and correct. If this petition is to extend a prior petition, I certify that the proposed symment is under the same terms and conditions as in the prior approved petition. I authorize the release of any information from my records, or from the manner the release of any information from my records, or from the mine or gains and Maturalization Service needs to determine eligibility for the benefit being sought.	10 zirl Olanı
66. Signature. Read the information on penalites in the instructions before completing this section.	ırq
nt Number 300 Gross Annual approx \$40 million Income Income	amu D n Billio
of Business: Consulting Services Services	, kbc
of Petitioner - Check U.S. citizen or permanent resident X Organization Other - explain on separate paper	Ape
Compensation Normal fringe Benefits Value per week Dates of intended employment To 04/06/2004 To 04/04/2006	тэфС Лахд)
a full-time position? No - Hours per week Xes or per year Wages per week \$70,000/year	siųi s
sea where the person(s) will work. SAME Steam from the address in Part 1.	
Mechanical Engineer Nontechnical Description See attached supporting letter of Job	op
t 5. Basic information about the proposed employment and employer. Anach the supplement relating to the classification you are requesting	
f you are filing for an entertainment group, has any person in this petition ON On Separate paper No been with the group for at least 1 year?	
) ever been denied the classification you are now requesting? [×] No [×] Viscardenied the classification you are now requesting?	-
ever been given the classification you are now requesting? No X Yes - explain on separate paper	1
f you indicated you were filing a new petition in Part 2, within the past 7 rears has any person in this petition:	
fave you ever filed an immigrant petition for any person in this petition? [x] No Yes - explain on separate paper	g. I
s any person in this petition in exclusion or deportation proceedings? Xes - explain on separate paper	I J
Le applications by dependents being filed with this petition?	/ 'ə
ON N ON Perinion of replacement/minial 1-94's being filed with this petition?	<i>f</i> 'p
Are you filing any other petitions with this one?	, .o
Not required to have passport	
Soes each person in this petition have a valid passport?	['q
Person's Foreign Address 4/A Kailasdeep, 7 Chikalwadi Khadki Pune India 411003	<u>I</u>
Ounity (City) Mumbai (Bombay) Alake or Foreign Counity المنافع (Bombay) Alake or Foreign Counity المنافع)
ype of Office (Check one): X Consulate Prof. Pre-flight inspection Pre-flight or Dent of Entry	Ī.
f the person named in Part 3 is outside the U.S. or a requested extension of stay or change of status cannot be granted, give the U.S. consulate or inspection acidity you want notified if this petition is approved	1 .s. 1

Part 4. Processing Information.

OMB No. 1115-0168

U.S. Department of Justice Immigration and Naturalization Service

H Classification

Name of person or organization filing petition: TIAX LLC List the alten's and any dependent family members' prior periods of stay in H clather and/or family members were actually in the U.S. in an H classification. H-18: 01/05/2000 to present Spouse: H-4 02/06/2003 to present	Supplement to Form I-1 Name of person or total number of workers or trainees you are filing for. Anindya A BORAL
02/06/2003 to present	Anindya A BORAL
02/06/2003 to present	
02/06/2003 to present	ssification in the U.S. for the last say
02/06/2003 to present	If more space is needed, attach an additional sheet
Classification	<u> </u>
Classification sought (Check one).	
H-1A Registered professional nurse	
X H-1B1 Specialty occupation	H-1B5 Athlete
□ H-1B2 Exceptional services rate.	
L_J H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S.	H-1BS Essential Support Personnel for H-1B entertainer or athlete
	H-2A Agricultural worker
H-1B3 Artist, entertainer or fashion model of national or international acclaim	H-2B Nonagricultural worker
··· weetaini	H-3 Trainee
L.J. H-1B4 Artist or entertainer in unique or traditional art form	
Section 1. Complete this section if Guarde	
Section 1. Complete this section if filing for H-1A or H-11 Describe the proposed duties	B classification.
see attached supporting letter	
. Frank letter	
lien's propert	
lien's present occupation and summary of prior work experience	
ee attached supporting letter	
stement for H-1B specialty occupations only:	
By filing this petition. I agree to the terms of the labor condition application for the Petitioner's Signature	
Petitioner's Signature	duration of the alien's authorized period of gray for 11 12
	John Of Stilly 10f H-1B employment
- July 1	Date Date
ement for H-1B specialty occupation and DOD	_ 12. 23.44
ement for H-1B specialty occupation and DOD	_ 12. 23.44
tement for H-1B specialty occupyions and DOD projects: As an authorized official of the employer. I certify that the employer will be liable for its special property to the employer will be liable for the employer.	_ 12. 23.44
tement for H-1B specialty occupations and DOD projects: As an authorized official of the employer. I certify that the employer will be liable for its employer will be liable for the employer.	_ 12. 23.44
As an authorized official of the employer. I certify that the employer will be hable to ignature of authorized official of the employer before the end of the period of authorized official of employer.	_ 12. 23.44
As an authorized official of the employer. I certify that the employer will be hable to lismissed from employment by the employer before the end of the period of authorized official of employer.	or the reasonable costs of return transportation of the alien abroad if the alien is Date
as an authorized official of the employer. I certify that the employer will be hable to ismissed from employment by the employer before the end of the period of authorized official of employer. I authorized official of employer. I authorized official of employer. I authorized official of employer.	or the reasonable costs of return transportation of the alien abroad if the alien is Date 02.23.04
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As an authorized official of the employer. I certify that the employer will be hable to ismissed from employment by the employer before the end of the period of authorized ignature of authorized official of employer. I ment for H-1B DOD projects only. I ment for H-1B DOD projects only. I project that the alien will be working on a cooperative research and development professement administered by the Department of Defense. OD project manager's signature	or the reasonable costs of return transportation of the alien abroad if the alien is zed stay. Date 0.2.23.04 Date pject or a coproduction project under a reciprocal Government-to-government Date
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February 19, 2004

Center Director U.S. Citizenship and Immigration Services Vermont Service Center St. Albans, Vermont

Re: Mr. Anindya BORAL

Dear Sir or Madam:

This letter is offered in support of our request to extend Mr. Boral's temporary stay in the U.S. We seek to continue Mr. Boral's employment as a Mechanical Engineer commencing upon the expiration date of his current H-1B visa status on April 5, 2004.

Mr. Boral initially joined Arthur D. Little as a Mechanical Engineer in valid H-1B status. The division of Arthur D. Little in which Mr. Boral was employed has subsequently been purchased in full by TIAX LLC. Mr. Boral remains in the same Mechanical Engineering position under TIAX LLC.

TIAX has vast expertise in a broad range of disciplines. The company strives to advance technologies that improve people's lives, apply proven technology expertise to new products and services, and capture value from intellectual property. Formerly Arthur D. Little's Technology & Innovation business, TIAX LLC. captures the rich, century-old heritage of one of the world's foremost technology, product development, and technology-based consulting firms.

TIAX's professional services are unmatched in the must-have race to maximize shareholder value and stakeholder wealth through technology. The company assists clients leverage technology for business gain, works with clients to define technology strategies, assess technologies under development or in the market, values intellectual assets and patents, integrates new technologies in existing or new products, and effectively manages R&D resources. TIAX LLC can review a technology's feasibility and define its market impact. The company helps clients move ahead confidently on decisions such as whether or not to continue internal investment, and whether to license or sell technological know-how. They also work with clients to effectively utilize their R&D resources and manage their intellectual property portfolios. Ultimately, TIAX helps their clients achieve even greater success, by reducing risk, maximizing the value of their intellectual property, and generating a higher ROI.

Pursuant to the H-1B petition approved on June 18, 2001, Mr. Boral assumed the position of Mechanical Engineer. This position is a professional one, requiring the attainment of at least a Bachelor's degree or its equivalent in Mechanical Engineering or a closely related field. We have arranged for the approval of a Labor Condition Application with the Certifying Officer of the Department of Labor for this position.

February 19, 2004 Page 2

Mr. Boral has been and continues to be responsible for:

- Analyzing fluids/thermals, including thermo-mechanical finite element modeling, with prototype fabrication and testing as well as combustion and energy conversion and internal combustion engine technologies;
- Working with team in laboratory and in consulting environment;
- Participating in off-site testing programs;
- Perform heat transfer and fluid dynamics analyses for process and power generation systems. Specific applications include process heaters, boilers, combustion air supply systems, and internal combustion engines;
- Perform computational fluid dynamics (CFD) modeling for process heaters, industrial burners, engines, and boilers;
- The focus of process heater modeling effort has been to identify issues associated with burner integration into process heaters, improve overall burner system performance, flame structure and analyze heaters to identify possible causes for high levels of emissions;
- Perform stress analysis using the finite element method for engine components and process equipment;
- Develop customized computer programs for the numerical analysis for heat transfer, fluid flow, and emission control in process equipment and engines; and
- Conduct analytical studies to assess the impact of imported liquefied natural gas on domestic and commercial appliances in the U.S.

Mr. Boral's current salary is \$70,000 per year for a forty-hour work week.

Please note that Mr. Boral first acquired H-1B status on January 5, 2000 when he was granted a change of status from F-1 to H-1B status. Therefore, approval of this extension until January 4, 2006 as requested will not cause Mr. Boral to exceed the six-year limitation on H-1B visa status.

Thank you for your attention to this matter.

Sincerely,

Angela Cheng-Cimini Director, Human Resources

TIAX LLC





Apon Recommendation of the Nourd of Trustees and Hpon Recommendation of the Naculty, Nereby Confers Upon

Animbya Apurha Morral

Muster of Science

In recognition of the completion of advanced study in Mechanical Angineering

In Testimony Alpereal the Undersigned Antie Subscribed Their Names and Affixed the Seal of the University this month of August, 1999.

Halam B. Agaman Bresity

Executive Pice President and Probost of the University

01/18/99 1 PAGE	GRADUATE TRANSC THIS TRANSCRIPT ISS DIRECTLY TO THE STU	SUED	FIRST NAME	THE PENNSYLY CE OF THE UNIVERSITY R BORAL ANINDYA	VANIA STATE UNIVERSITY EGISTRAR - UNIVERSITY FARK, PA 16802
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Discoloration of this document indicates unauthorized alterations

University Registrar



Case 1:04-cv-12530-NG Document 1-3 Filed 12/01/2004 Page 15 of 21 MP131 We, the Chancellor, the Vice Chancellor and the Members of the Management Council and the Academic Council of the University of Pune certify that Boral Animaya having been examined and found duly qualified for the degree of Bachelor of Angineering (_____ Mechanical Gandwich Franch) and placed in the First Class With Distinction The said degree has been conferred on him In testimony whereof is set the seal of the said University.

Reco Carenter

Vice Chancellor

IV: V V :- IV
CASE TYPE 1129 PETITION FOR A MONIMULE.

	RECEIPT NUMBER	TE AD ST. TO ST.
	EAC-01-149-54089	CASE TYPE 1129
į	April 11, 2001 PRIORITY DATE	PETITION FOR A NONIMMIGRANT WORKER
	SOURCE DATE June 12, 2001 PAGE 1 of 1	ARTHUR D LITTLE
-	LAURIE B. RICCIO	BORAL, ANINDYA
1	LAW OFFICES OF RICHARD M COSTA	Notice Type: Approximation

LAW OFFICES OF RICHARD M COSTA

18 TREMONT STREET STE 601 BOSTON MA 02108

Notice Type: Approval Notice Class: H1B1

Valid from 06/08/2001 to 04/05/2004

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or should keep the right part with his or her Form 1.94. Arrival Departure Record. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves 1-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file reentry in this new classification at a port of entry of pre-fragme inspection scation. The petitioner may als Form 1-824, Application for Action on an Approved Application or Petition, with this office to request that we notify a

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA

Please see the additional information on the back. You will be notified separately about any other cases you filed.

75 LOWER WELDEN STREET SAINT ALBANS VI 05479-0001

Customer Service Telephone: (802) 527-4913

Form 1797A (Rev. 09/07/93)N



Detach This Half for Personal Records

Receipt # EAC-01-149-54089 I-94# 015238329 06

NAME BORAL, ANINDYA

CLASS HIBI

VALID FROM 06/08/2001 UNTIL 04/05/2004

PETITIONER: ARTHUR D LITTLE ACORN PARK

CAMBRIDGE MA 02140-2390

PLEASE TEAR OFF FORM 194 PRINTED BELOW, AND STAPLE TO ORIGINAL 194 IF AVAILABLE

015238329 06

Receipt Number EAC-01-149-54089 Immigration and

Naturalization Service

I-94

Departure Record

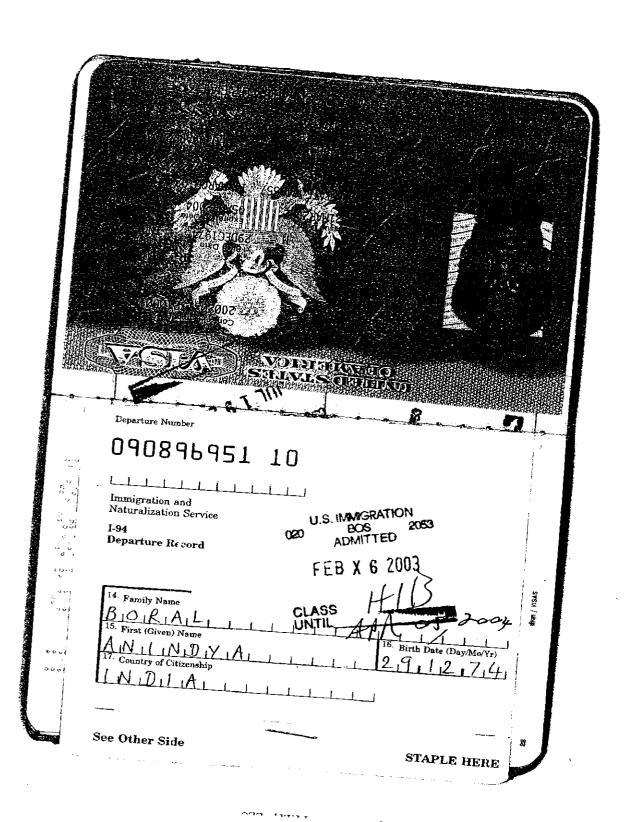
Petitioner: ARTHUR D L

14. Family Name BORAL'

15. First (Given) Name ANINDYA 17. Country of Cincenship

16. Date of Birth 12/29/1

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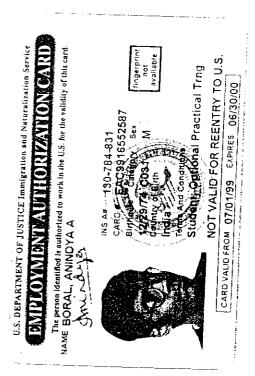
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BURAL Case 1:04-cv-42536-NG IF YOU NEED MORE INFORMATION CONCERNIN: UR Documental-The Periled 12/01/2004 Page 20 of 21 UR F-1 NONIMMIGRANT STUDENT STATUS AND THE Page 4 CONTACT EITHER YOUR FOREIGN STUDENT ADVISOR ON CAMPUS OR A NEARBY IMMIGRATION AND NATURALIZATION SERVICE OFFICE. LATING IMMIGRATION PROCEDURES, PLEASE THIS PAGE, WHEN PROPERLY ENDORSED, MAY BE USED FOR ENTRY OF THE SPOUSE AND CHILDREN OF AN F-1 STUDENT FOLLOWING TO JOIN THE STUDENT IN THE UNITED STATES OR FOR REENTRY OF THE STUDENT TO ATTEND THE SAME SCHOOL AFTER A TEMPORARY ABSENCE FROM THE UNITED STATES. Fur teentry of the student and/or the F-2 dependents (EACH CERTIFICATION SIGNATURE IS VALID FOR ONLY ONE YEAR.) Barbara Rayman, Assist. to the Dean & FSA gnature of Designated School Offic Name of School Official(print or type) 12/3/98 Title Signature of Designateo School Official Name of School Official(print or type) itie Date Signature of Designated School Official Name of School Official(print or type) Title Date Signature of Designated School Official Name of School Official(print or type) Title Date Signature of Designated School Official Name of School Official(print or type) Title Date Signature of Designated School Official Name of School Official(print or type) Title Date Dependent spouse and children of the F-1 student who are seeking entry/reentry to the U.S. Name family (caps) Date of birth Country of birth Relationship to the F-1 student XXXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXXX xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx XXXXXXXXXXX XXXXXXXXXXX XXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXX XXXXXXXXXXX XXXXXXXXXXX XXXXXXXX <u>XXXXXX</u>XXXXXXX XXXXXXXXXXX

Student Employment Authorization and other Records

rull-time optional pra	ctical training in	the field of Mec	nanical Engineering is
recommended for Anindy	a Apurba Boral from	July 1, 1999 to	June 30 2000
97) - 1			30, 2000.
from his	Kene		
Barbara Rayman, Assi	st. to the Dean & P	24	
	Die Bean d F	sa, April 21, 19	99
			
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	ne Superintendent of Documents. U.		



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Earnings Statement

Ø 002

TIAXLLC ACORN PARK CAMBRIDGE, MA 02140

Period Ending:

02/13/2004

Pay Date:

02/13/2004

Taxable Marital Status: Single Exemptions/Allowances: Federal

ANINDYA BORAL 25 LINDEN AVENUE APT #12 SOMERVILLE, MA 02143

Social Security Number: 210-76-2551

Earnings	210 21 Cecurity Number: 210)-76-2551	
Regular	2692.31	this period	year to date
	Gross Pay	2,692.31 \$2,692.31	10,769.2
Deductions	Statutory		
	Federal Income Tax Social Security Tax Medicare Tax MA State Income Tax Öther	-441.37 -160.83 -37.61 -120.19	1.765.48 643.30 150.45 480.76
	Pretax Dental Pretax Medical Primary Checking Net Pay	-10.27* -88.84* -1,833.20	41.08 355.36

Other Benefits and Information this period total to date Group Term Life 0.74 2.96

* Excluded from federal taxable wages

Your federal taxable wages this period are \$2,593.20

TIAX LLC ACORN PARK

CAMBRIDGE, MA 02140

Deposited to the account of ANINDYA BORAL

Advice number: Pay date:

00000070182

ccount number 567943277

transit ABA 2113 7112

\$1,833.20

NOT VALID AFTER 180 DAYS

NON-NEGOTIABLE

S2001 Automatic Cata Procession Inc.

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U.S. Department of Justice

Immigration and Naturalization Service

Notice of Entry of Appearance as Attorney or Representative

Appearances - An appearance shall be fi permitted upon the written withdrawal of	led on this form by the attorne	y or representative appearin	g in each case. The	Sion sub-
permitted upon the written withdrawal of an appearance is made by a person acting	the attorney or representative	of record or upon notification	m of the new attorney	fler, substitution may be
an appearance is made by a person acting ander the provisions of this chapter he is a	in a representative capacity, h	is personal appearance or sig	anature shall constitut	or representative. When
under the provisions of this chapter he is a required Availability of Records - Durin	authorized and qualified to rep	resent Further proof of auth	OFICE TO DOL IN A PARTY	e a representation that
required Availability of Records - Durin or his attorney or representative shall be p	ig the time a case is pending, a	and except as otherwise prov	ided in 8 CFR 103 20	committee cabacity may b
or his attorney or representative shall be p 103-10, obtain copies of Service records o	ermitted to examine the record	of proceeding in a Service	office. He may in cor	or a party to a proceeds
reducst, he/she may in addition by towns.		spread of documents of transc	Hpts of evidence firm	ished by him. Upon
request, he/she may, in addition, be loaned such copies and pledging that it will be such	a copy of the testimony and c	exhibits contained in the reco	ord of proceeding upo	n giving his/her receive
such copies and pledging that it will be sui shall not be furnished free on loan; however	rendered upon final dispositio	n of the case or upon demar	id. If extra copies of e	Shibits do not exist the
	er, they shall be made available	e for copying or purchase of	copies as provided in	8 CFR 103 10
		Date: 02/18/2004		
On behalf of Jayeti BORAL		File No. N/A		
I hereby enter my appearan	ice as attorney for (or represen	atative of) and at the		
lame: Jayati BORAL		Petitioner	St of the following na	imed person(s):
			× Ap	plicant
Address: (Apt. No.) (Number &	Street)	Beneficiary		
2 25 Linden Avenue	, succe,	(City)	(State)	(Zip Code)
ame:		Somerville	MA	02143
		☐ Petitioner		plicant
41		☐ Beneficiary	: ^#	рисащ
ddress: (Apt. No.) (Number &	Street)	(City)	1 Co	
		15.11	(State)	(Zip Code)
eck applicable frem(s) below:				
			··············	
	od standing of the bar of the S	upreme Court of the United	States or of the higher	
State, territory, insular possession, or D			orates of or me manei	st court of the following
	U.S. Supreme Court			
		and	1381 BOL under a court	or administrative
order suspending enjoining restraining	Name o	F Court	net tinger a count	or administrative agenc
order suspending, enjoining, restraining	disbarring, or otherwise restri			
2. r am an accredited representative of	the following possed 15. 1			
United States and which is so recogniz	the following possed 15. 1			
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This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is contained in 8CFR 103.10 and 103.20 Et.SEQ.

U.S. Department of Justice

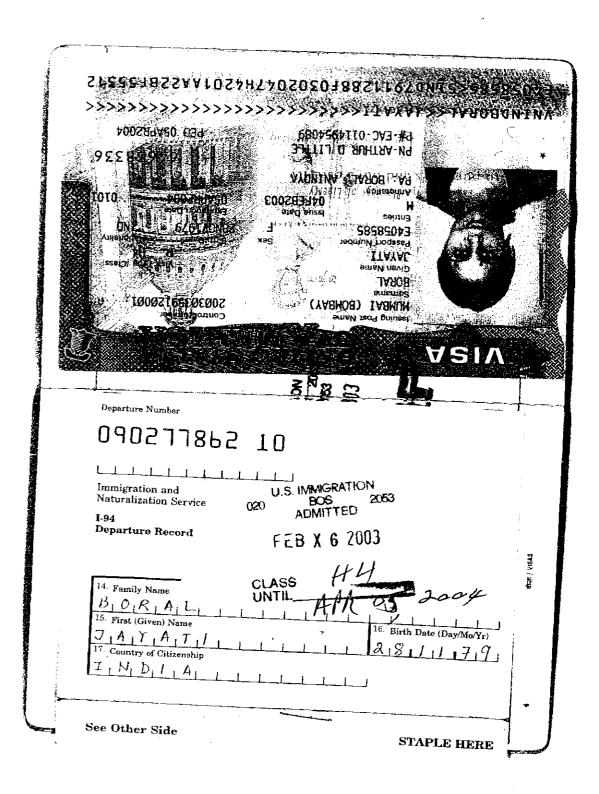
Immigration and Naturalization Service

Application to Extend/Change Nonimmigrant Status

START HERE - Pleas Part 1. Informati	on about y				FOR	INS USE ONLY
Family BORAL	avour				Returned	Receipt
Name		Given Jayati Name		Middle		
Address -		Tranc		Initial	Date	
In care of -						
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City	-,			12		
Somerville	State MA	Zip Code	Daytime	C17 COE COP-	Date	
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(MM/DD/YYYY) 11/28/1	979	Social Security #	F (II any) [A	# (if any)	Date	
Date of Last Arrival	06/2003	1-94#				
			090277862 10		Reloc Rec'd	
Current Nonimmigrant Status	1-4	Expires	on O4/05/0		Keroe Recu	
		(MM/DD	/ <u>YYYY)</u> ^{04/05/2}	:004		
Part 2. Application t	ype. (See ii	nstructions for fee.,)		— Date	
 Lam applying for: (Ch 	eck one			·	-	
a. An extension of	stay in my c	urrent status.			Applicant	
→ □ A change of stat — If □ □ I A chang	us The neu	status I	sting is:		Interviewed on	
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2. Number of people incl a. X I am the only ap	uded in this a	pplication: (Chec	k one.)		Date	
b. Members of my	pricant. familia ara E	15				
The total number	rof people (i	ling this application	n with me.		Extension Grant	ed to (Date)
(Complete the su	pplement for	each co-applicant	e application is:			
art 3. Processin inf	ormation	присти	·/		Change of Status	Extension Granted
I/We request that my/ou MM/DD/YYYY : 01/04	E current or	remineted as-			New Class: Fro	m (Date):
	2000			·		o (Date):
Is this application based spouse, child or parent?	on an extens	sion or change of s	tatus already an		If Denied:	
		Total of charge of 3	iaius aneady gra	anted to your		
o Yes. Receipt	#				Still within period	of stay
Is this application based child or parent an extensi	on a separate	netition or applic			- S/D to:	
F WIT CATIONS	ספון הווט זט ייט	: OF STRIBETO	. LXIV	ur spouse,	Place under docke	t control
Yes. filed previously	and pending	with INS INS rec	reint number	vitn this 1-539.	Remarks:	
If you answered "Yes" to	Ouestion 3	give the name of	perbratantoer:			
		give the name of t	ne pentioner or	аррисали:		
Anindya BORAL					Action Block	
If the petition or applicat	ion is pendin	g with INS, also gi	ve the following	g information	J. T. O.OCK	
Office filed at						
		Filed on (MM/DD	/YYYY)		<u> </u>	
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alwadi Khadki		Pune	OF LIGATION			is attached to
		irune			I TELLESTED THE SERVICE	
Duntry			ostal Code		represent the applic	eant, ———————

3. An	4. Additional information.	" to any question, explain on separate sheet of paper.	Yes	No
a.	Are you, or any other person included on the applic	cation, an applicant for an immigrant visa?		[X]
b.	Has an immigrant petition ever been filed for you	or for any other person included in this application?		\boxtimes
c.	Has a Form I-485. Application to Register Permandular by any other person included in this application?	ent Residence or Adjust Status, ever been filed by you or		X
d.	Have you, or any other person included in this app offense since last entering the U.S.?	lication, ever been arrested or convicted of any criminal		\boxtimes
e.	Have you, or any other person included in this app nonimmigrant status you now hold?	lication, done anything that violated the terms of the		X
f.	Are you, or any other person included in this application	cation, now in removal proceedings?		\boxtimes
g.	Have you, or any other person included in this appl or granted an extension or change of status?	lication, been employed in the U.S. since last admitted		\boxtimes
		following information concerning the removal proceeding. Page for answers to 3f and 3g." Include the name of the proceedings began and status of proceedings.		
	■ If you answered "No" to Question 3σ, fully desc	ribe how you are supporting yourself on the attached page		t 4.
		3f and 3g." Include the source, amount and basis for any	y income.	
	 Additional information. Page for answers to If you answered "Yes" to Question 3g, fully desc 	3f and 3g." Include the source, amount and basis for any cribe the employment on the attached page entitled "Part Include the name of the person employed, name and add	4. Additional	
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If you answered "Vec	information. Page for answers to 3f and 3g.
Include the name of the	" to Question 3f in Part 4 on page 3 of this form, give the following information concerning the removal proceedings person in removal proceedings and information on jurisdiction, date proceedings began and status of procedings.
Dependent upon H-1B of sp	pouse
VOII 205warad "Voc" to	Ougstion 2- in Brack and a second
aployed, name and addre	o Question 3g in Part 4 on page 3 of this form, fully describe the employment. Include the name of the person ess of the employer, weekly income and whether the employment was specifically authorized by INS.



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Important. Retain this permit in your possession: you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future. You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

Surrender this permit when you leave the U.S.:

By sea or air, to the transportation line;

Across the Canadian border, to a Canadian Official;

Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.



CERTIFICATE OF MARRIAGE

(Under Section 13 of Act XLIII of 1954)

RATAP KUMAR	iondal.
of JANUARY	2003, ANIMOYA APURBA BORAL
K. BORAL	
AR MUKHERJER	and JAYATI ARUN MUKHERJEE
o. In my orone	appeared before
e declarations requ	e and in the presence of three witnesses who have
solemnised between	e and in the presence of three witnesses who have alred by Section 11 of Act XLIII of 1954, and that a en them in my presence.
	P. R. Mondal
	Marriage 600
•	Officer Special Marriage acr. toda.
(Siyna ta r	e of Officer) Vrater Describe Districe
	Marriage Officer under Act XLIII of 1954.
	for the District of C.M.C & 24-PAR(
	- AR
(Signature c	of Bridegroom)
(Stanature of	Bride)
	Mr.
. (Signatures of	three witnesses)
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0	Bose pulmor Road, calculta-4= 7
- b. censul	-X:500 -3: 0 At a
1 , CG-107,	Soll of the state of
	sail have eng, Calcutta 700091
day of	JANUARY 2003.
T ana 6	
T 100 ()	F. N. Mondal
•	Marriage Officer Under Special Mattell
	Under Special Marriage act, 1954; For Calcutta & 24 Pgs. (South) Districe Marriage Office under Act To
JANUARY 20	Harriage Office under Asl XLIII of 1954,
#211	for the District of 6.M. 6 & 24-PAR(S)
	A Signature of CG-107) Law of JANUARY K. BORAL IAR MUKHERJEE 1. In my presence of declarations require of solemnised between the continuous of the conti

RECEIPT NUMBER EAC - 04 - 107 - 51197 RECEIVED DATE March 1, 2004 PR	CASE TYP	E 1129 TION FOR A NONIMMIGRANT WOR	30.39.0
1 2 2 1103	of 1 BORAL,	LLC	Votice

The above application or petition has been received. It usually takes 90 to 150 days from the date of this lengths for as to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision of this case. You can also use the phone number (800) we will send you a written notice as soon as we make a decision on only case. You can also use the phone number (300) the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration lenefits and services, filing information, or Immigration and Materialization Gervice forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are

On can also visit the INS on the internet at www.bcid.gdv OE out web site you can get-up to data case status The control of your case and find valuable information should immigration sectores and general color

se see the additional information on the back. You will be notified separately about any other cases you filed.

LOWER WELDEN STREET

INT ALBANS VT 05479-0001

stomer Service Telephone: (800) 375-5283



PUTER ON THE DEVICES OF A TOP AND BRICES

RECEIPT NUMBER EAC-04-107-51258		CASE TYPE 1539
RECEIVED DATE March 1, 2004	PRIORITY DATE	APPLICATION TO EXTEND/CHANGE NONIMMIGRANT STATUS
NOTICE DATE March 2, 2004		HORAL, JAYATI
LAURIE B. RICCIO		

LAURIE B. RICCIO
LAW OFFICES OF RICHARD M COSTA
18 TREMONT STREET SUITE 601
BOSTON MA 02108

Notice Type: Receipt Notice

Amount received: \$ 140.00

The above application or petition has been received. It usually takes 60 to 90 days from the date of this receipt for us to process this type of case. Please notify us immediately it any of the above information is incorrect.

If you have other questions about possible immigration behalfus/and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Englower Service Center (NCSC) at 1-800-375-5283. If you are

You can also visit the INS on the internet at www.bcis.gov. On our web sale you can get up to-date case status information on your case and find valuable information about impignation services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

VERMONT SERVICE CENTER

VERMONT SERVICE CENTER 75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5293



Law Offices of RICHARD M. COSTA

18 Tremont Street Boston, Massachusetts 02108

Richard M. Costa Laurie B. Riccio Cecilia M. Hanley Ellen Davey-Fleming Adrienne J. Vaughan

Tel:(617)742-4444 Fax:(617)742-0805 Email: Richard@Rcosta.com

May 25, 2004

Premium Processing Vermont Service Center 30 Houghton Street St. Albans, VT 05478-2399

Re:

Mr. Anindya BORAL EAC-04-107-51197

Dear Sir or Madam:

Enclosed please find the Form I-907: Request for Premium Processing Service and a check in the amount of \$1,000. Please attach the form to the above referenced petition and process the case within the allotted fifteen-day period. Should you have any questions please do not hesitate to contact this office. Thank you for your attention to this matter.

Very truly yours,

Laurie B. Riccio

LBR/mmg

Cc: Ms. Cheng-Cimini



U.S. Department of Justice Immigration and Naturalization Service

OMB No. 1115- 0241

Antingration and Naturalization Service		Reque	st for Premium 1	Processing Sem
START HERE - Please Type or Pri				S USE ONLY
Part 1. Information about you.	(Person or business filing	this request.)	Request Physically	Receipt
If filed on your own behalf: Individual Family Name (Last Name)	Named in the Related Case Siven Name (First Name)	Full Middle Name	Received by INS	жеебірі
If filed on behalf of a company Com-			Date	
If filed on behalf of a company: Compa	iny or Business Named in the R	lelated Case	Date	
			Returned	
Mailing Address: Street Number and Na Acom Park	ime / P.O. Box Number		Date	
Name of Company Contact			Date	
Angela Cheng-Cimini	Title/Position		Resubmitted	
City	Human Resources		Date	
Cambridge	State/Province	Zip/Postal Code		
	MA	02140	Date	
IRS Tax # (if any)			1	
46-0478749			To Do C	mpleted By
You (the person submitting this request):			X Attorney or I	Representative, if any
Are the person named in the relatin	g petition/application.		Fill in box if G- represent the ap	28 is attached to
Work for company/business named Are an attorney/representative.	in the relating petition or appli	cation.		pricant.
our Preferred Form of Communication	: Mail Phone		ATTY State License #	
hone Number (Area/Country Code)	Fax Number (Area/Co	Fax e:Mail	e:Mail Address	
(617)742-4444	(617)742-0805			
Part 2. Information about reques	t.		MelissaF@rcosta.com	
Form number of related petition or appli		2 Classification to		
-129		2. Classification type	being requested	
Petitioner on the relating case		4. Beneficiary on the r		
IAX LLC		Anindya A. BORAL	elating case	
art 3. Signature (Read the inform				
art 3. Signature. (Read the inform	alton on penalties in the in	structions before compl	eting this section.)	
is understood that if the Immigration and Na ys after this request has been physically rece ertify under penalty of periods and active	turalization Service (INS) does not in the appropriate INS office	not issue a notice or make a	request for additional eviden	ce within 15 calendar
ertify, under penalty of perjury under the l	owe of the Hair Law and	-, termid will be given	i to the addressee shown in P	art 1 of this request.
horize the release of any information from	my records which the INS need	is to determine eligibility for	provided with this request is or the benefit being sought	all true and correct. I
gnature			itle (if applicable)	
<u></u>			tomey	
nt Your Name			<u> </u>	
urie B. Riccio/Cecilia M. Hanley			ate (MM/DD/YYYY)	· · · · · · · · · · · · · · · · · · ·
rt 4. Signature of person proper	<u>dentite e la capació de la capación de la c</u>			
rt 4. Signature of person prepare	ing form it other than ab	ove. (Sign below.)		
clare that I prepared this application at the r	equest of the above person and i	t is based on all information	of which I have knowledge	
		rint Your Name	Date	
n Name and Address		RICHARD M COSTA/LAURIE B RIC HANLEY/ADRIENNE J VAUGHAN/ E	LLEN R DAVEY-	
OFFICES OF RICHARD M. COSTA			time Phone Number (Area	Code and Number)
REMONT STREET SUITE 601 BOSTON MA 02:108		and the first of t	7)742-4444	

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RECEIPT NUMBER		CASE TYPE
EAC-04-107-51197		CASE TYPE 1129
RECEIVED DATE May 26, 2004	PRIORITY DATE	PETITION FOR A NONIMMIGRANT WORKER
NOTICE DATE June 8, 2004	PALE	TIAX LLC BENEFICIARY
LAURIE B. RICCIO		BORAL, ANINDYA A.

TE B. RICCIO

a²⁰C

LAW OFFICES OF RICHARD M COSTA 18 TREMONT STREET SUITE 601 BOSTON MA 02108

Notice Type: Premium Processing

Receipt Notice Amount received: \$ 1130.00

Thank you for choosing to use the Immigration and Naturalization Service's Premium Processing Program. The above petition or application has been received and accepted as a Premium Processing case. You should receive a notice reporting year case within 15 days (remained about a contractived date about 15 the Scribe needs to contact you regarding your case they may do so by mail, telephone, facaimily or e-mail using the information you provided

Please notify us immediately if any of the above information is incorrect.

If you need to contact us regarding your Premium Processing case you can do so using the information immediately below. The mailing address, e-mail address and phone number listed below is for use in relation to cases filed under the Premium Processing Service program only. You can obtain case stitus information from our automated system 24 hours a day with a touch tone phone and the receipt number for this case shown above by calling the phone number listed helow.

Routine Mail and Courier Delivery Address

VSC Premium Processing Vermont Service Center, 40 Houghton Street, St. Albans, VI 05478-2399

PP Phone Number. (802) 527-3192

Email box: VSC-Premium.Processing@dhs.gov

If you have other questions about possible immigration benefits and services, filing information, or immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are

You can also visit the TNS on the internet at www.bcis.gov. On our web site you can get-up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.



EXHIBIT D

Law Offices of

RICHARD M. COSTA

18 TREMONT STREET BOSTON, MASSACHUSETTS 02108

Richard M. Costa Laurie B. Riccio Cecilia M. Hanley Ellen Davey-Fleming Adrienne J. Vaughan Tel:(617)742-4444 Fax:(617)742-0805 Email: Richard@Rcosta.com

November 11, 2004

Ms. Maureen O'Sullivan Kaplan, O'Sullivan & Friedman 10 Winthrop Square, Suite 300 Boston, MA 02110

RE: Mr. Anindya BORAL – TIAX LLC

Dear Maureen:

Pursuant to a request by TIAX LLC, we are forwarding to your office a complete copy of the H-1B petition extension filed by our office on behalf of Mr. Boral.

Please note, for your records, that our office was informed by an officer in the Vermont Service Center's Premium Processing Unit on July 8, 2004, that Mr. Boral's case was chosen for a random security check. Our office has continued to contact the Premium Processing Unit by phone on a monthly basis for updates with no results.

Thank you for your assistance with the matter.

Very truly yours,

lause b. liccio Laurie B. Riccio

LBR/mmg



Law Offices of

RICHARD M. COSTA

18 TREMONT STREET BOSTON, MASSACHUSETTS 02108

Richard M. Costa Laurie B. Riccio Cecilia M. Hanley Ellen Davey-Fleming Adrienne J. Vaughan

Tel:(617)742-4444 Fax:(617)742-0805 Email: Richard@Rcosta.com

October 13, 2004

Premium Processing Vermont Service Center 30 Houghton Street St. Albans, VT 05478-2399

URGENT ATTENTION REQUESTED

Re:

Mr. Anindya BORAL EAC-04-107-51197

Dear Sir or Madam:

Please be advised that Mr. Boral's H-1B extension was submitted for adjudication on March 1, 2004. On May 26, 2004 the case was transferred to the Premium Processing Unit for expedited review. After several conversations with officers in your unit, we learned that Mr. Boral's case has been randomly selected for a security review. The case has been pending with the Premium Processing Unit now for four months.

If it is at all possible, please request that the State Department expedite their review of Mr. Boral's history. TIAX LLC. and Mr. Anindya Boral are quite concerned with the delay as Mr. Boral is rapidly approaching the 240 day cut off for continued employment. According to 8 C.F.R. 274a.12(b)(20) "A nonimmigrant alien... whose status has expired but who has a timely application for an extension of stay... are authorized to continue employment with the same employer for a period not to exceed 240 days beginning on the date of expiration of the authorized period of stay."

If any background information is necessary, Mr. Boral is more than willing to assist in any way possible. Please feel free to contact our office with any questions.

Very truly yours,

Laurie B. Riccio

LBR/mmg

ng (internships, coop work-study programs ed curriculum) after n a Service approved tic year. Curricular ıll-time) is authorized cial on the student's sement is necessary, rnational organization t to § 214.2(g) of this is may be employed entity or the interna-

official or represenation (G-5), pursuant n alien in this status cial or representative

rainee (H-1, H-2A, 1.2(h) of this chapter. mployed only by the us was obtained. In thlete who is traded r organization, emyer will automaticalafter acquisition by time the new orgaew Form I-129 to f a new Form I-129 ment authorization is filed within 30 oloyment authorizais adjudicated. If ment authorization

sentative (1), pur-An alien in this he sponsoring foroyment authorizants of an informanated "I");

- pursuant to FR part 62. An yed only by the appropriate desthe program aps set forth in the ity, issued by the
- (L-1), pursuant en in this status itioner through
- ' ability in the athletics (O-1),

and an accompanying alien (O-2), pursuant to § 214.2(o) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained. In the case of a professional O-1 athlete who is traded from one organization to another organization, employment authorization for the player will automatically continue for a period of 30 days after the acquisition by the new organization, within which time the new organization is expected to file a new Form I-129 petition for O nonimmigrant classification. If a new Form I-129 is not filed within 30 days, employment authorization will cease. If a new Form I-129 is filed within 30 days, the professional athlete's employment authorization will continue until the petition is adjudicated. If the new petition is denied, employment authorization will cease.

- (14) An athlete, artist, or entertainer (P-1, P-2, or P-3), pursuant to § 214.2(p) of this chapter. An alien in this status may be employed only by the petitioner through whom the status was obtained. In the case of a professional P-1 athlete who is traded from one organization to another organization, employment authorization for the player will automatically continue for a period of 30 days after the acquisition by the new organization, within which time the new organization is expected to file a new Form I-129 for P-1 nonimmigrant classification. If a new Form I-129 is not filed within 30 days, employment authorization will cease. If a new Form I-129 is filed within 30 days, the professional athlete's employment authorization will continue until the petition is adjudicated. If the new petition is denied, employment authorization will cease;
- (15) An international cultural exchange visitor (Q-1), according to § 214.2(q)(1) of this chapter. An alien may only be employed by the petitioner through whom the status was obtained;
- (16) An alien having a religious occupation, pursuant to § 214.2(r) of this chapter. An alien in this status may be employed only by the religious organization through whom the status was obtained;
- (17) Officers and personnel of the armed services of nations of the North Atlantic Treaty Organization, and representatives, officials, and staff employees of NATO (NATO-1, NATO-2, NATO-3, NATO-4, NATO-5 and NATO-6), pursuant to § 214.2(o) of this chapter. An alien in this status may be employed only by NATO;
- (18) An attendant, servant or personal employee (NATO-7) of an alien admitted as a NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, or NATO-6, pursuant to § 214.2(o) of this chapter. An alien admitted under this classification may be employed only by the NATO alien through whom the status was
- (19) A nonimmigrant pursuant to section 214(e) of the Act. An alien in this status must be engaged in

business activities at a professional level in accordance with the provisions of Chapter 16 of the North American Free Trade Agreement (NAFTA); or

- (20) A nonimmigrant alien within the class of aliens described in paragraphs (b)(2), (b)(5), (b)(8), (b)(9), (b)(10), (b)(11), (b)(12), (b)(13), (b)(14), (b)(16), and (b)(19) of this section whose status has expired but who has filed a timely application for an extension of such stay pursuant to §§ 214.2 or 214.6 of this chapter. These aliens are authorized to continue employment with the same employer for a period not to exceed 240 days beginning on the date of the expiration of the authorized period of stay. Such authorization shall be subject to any conditions and limitations noted on the initial authorization. However, if the district director or service center director adjudicates the application prior to the expiration of this 240 day period and denies the application for extension of stay, the employment authorization under this paragraph shall automatically terminate upon notification of the denial decision.
- (c) Aliens who must apply for employment authorization. An alien within a class of aliens described in this section must apply for work authorization. If authorized, such an alien may accept employment subject to any restrictions stated in the regulations or cited on the employment authorization document:
- (1) An alien spouse or unmarried dependent child; son or daughter of a foreign government official (A-1 or A-2) pursuant to § 214.2(a)(2) of this chapter and who presents a fully executed Form 1-566 bearing the endorsement of an authorized representative of the Department of State;
- (2) An alien spouse or unmarried dependent son or daughter of an alien employee of the Coordination Council for North American Affairs (E-1) pursuant to § 214.2(e) of this chapter;
 - (3) A nonimmigrant (F-1) student who:
- (i) Is seeking employment for purposes of optional practical training pursuant to 8 CFR 214.2(f), provided the alien will be employed only in an occupation which is directly related to his or her area of studies and that he or she presents an I-20 ID endorsed by the designated school official;
- (ii) Has been offered employment under the sponsorship of an international organization within the meaning of the International Organization Immunities Act (59 Stat. 669) and who presents a written certification from the international organization that the proposed employment is within the scope of the organization's sponsorship. The F-1 student must also present a Form I-20 ID or SEVIS Form I-20 with employment page completed by DSO certifying eligibility for employment; or
- (iii) Is seeking employment because of severe economic hardship pursuant to 8 CFR 214.2(f)(9)(ii)(C)

KAPLAN, O'SULLIVAN & FRIEDMAN, LLP

Attorneys At Law

Ten Winthrop Square • Third Floor, Boston, Massachusetts 02110 E-Mail: info@kof-law.com • www.kof-law.com

Harvey Kaplan Maureen O'Sullivan Jeremiah Friedman

Tel: (617) 482-4500 Fax: (617) 451-6828 Fax: (617) 451-6826

November 17, 2004

Premium Processing Unit US CIS Vermont Service Center 30 Houghton Street St. Albans, VT 05478-2399

Re: H-1B Petition submitted by TIAX, LLC

on Behalf of Mr. Anindya BORAL, EAC 04-107-51197

NOTICE OF INTENT TO FILE MANDAMUS ACTION IN FEDERAL DISTRICT COURT

Dear Officer:

Please be advised the I now represent Tiax, LLC in connection with this H-1B extension which was filed on behalf of Mr. Boral. As you know, this application was initially submitted for adjudication on March 1, 2004. On May 26, 2004 the case was transferred to the premium processing unit. The Petitioner and Mr. Boral were then represented by previous counsel who contacted your unit by letter and telephone on several occasions. They were apparently told that Mr. Boral's case had been randomly selected for a "security review."

Please consider this letter as official notice that if this petition is not adjudicated within the next 10 days, we intend to file a mandamus action in Federal District Court on November 29, 2004.

Both the Petitioner and Beneficiary need this petition to be adjudicated so that he can continue working beyond December 1, 2004. Otherwise he will be forced to come off the payroll causing hardship to both the employer and employee.

If you need any further information whatsoever, or if there is anything we can do to assist in the processing of this case, please do not hesitate to contact me. Otherwise, we will simply submit the mandamus on November 29, 2004.

Thank you very much.

Sincerely yours,

Maureen O'Sullivan

MOS:wo

cc: Angela Cheng-Cimini, Human Resources TIAX, LLC

EXHIBIT G

U.S. Department of Justice

Immigration and Naturalization Service

Notice of Entry of Appearance as Attorney or Representative

Appearance - An appearance shall be filed on this form by the attorney or representative appearing in each case. Thereafter, substitution may be permitted upon the written withdrawal of the attorney or representative of record or upon notification of the new attorney or representative. When an appearance is made by a person acting in a representative capacity, his personal appearance or signature shall constitute a representation that under the provisions of this chapter he is authorized and qualified to represent. Further proof of authority to act in a representative capacity may be required. Availability of Records - During the time a case is pending, and except as otherwise provided in 8CFR 103.2(b), a party to a proceeding or his attorney or representative shall be permitted to examine the record of proceeding in a Service office. He may, in conformity with 8 CFR 103.10, obtain copies of Service records or information therefrom and copies of documents or transcripts of evidence furnished by him. Upon request, he/she may, in addition, be loaned a copy of the testimony and exhibits contained in the record of proceeding upon giving his/her receipt for such copies and pledging that it will be surrendered upon final disposition of the case or upon demand. If extra copies of exhibits do not exist, they shall not be furnished free on loan; however, they shall be made available for copying or purchase of copies as provided in 8 CFR 103.10. Date TIAX LLC File No. On behalf of Anindya A. BORAL I hereby enter my appearance as attorney for (or representative of), and at the request of, the following named person(s): Petitioner Name ☐ Beneficiary TIAX (State) (ZIP Code) (City) (Number & Street) Address (Apt. No.) MA 02140 Cambridge 15 Acorn Park Petitioner Applicant Name Beneficiary Anindya A. BORAL (ZIP Code) (State) Address (Apt. No.) (Number & Street) (City) 02143 Somerville MA 25 Linden Ave. #12 Check applicable Item(s) below. 1. I am an attorney and a member in good standing of the bar of the Supreme Court of the United States or of the highest court of the following State, territory, insular possession, or District of Columbia **MASSACHUSETTS** SJC and am not under a court or administrative agency order suspending, enjoining, restraining, disbarring, or otherwise restricting me in practicing law. 2. I am an accredited representative of the following named religious, charitable, social service, or similar organization established in the United States and which is so recognized by the Board: 3. I am associated with the attorney of record who previously filed a notice of appearance in this case and my appearance is at his request. (If you check this item, also check item 1 or 2 whichever is appropriate.) 🕅 4. Others (Explain fully.) IT IS RESPECTFULLY REQUESTED THAT IN CONFORMITY WITH PUBLIC LAW 90-83, 5 USC 500(f), 81 STAT. 195, THE UNDERSIGNED BE GIVEN NOTICE OF ALL COMMUNICATIONS, WRITTEN OR OTHERWISE, IN THIS CASE. COMPLETE ADDRESS SIGNATURE Kaplan, O'Sullivan & Friedman, LLP 10 Winthrop Square, 3rd Fl. MA 02110 NAME (Type or Print) TELEPHONE NUMBER 617-482-4500 617-451-6828 Maureen O'Sullivan PURSUANT TO THE PRIVACY ACT OF 1974, I HEREBY CONSENT TO THE DISCLOSURE TO THE FOLLOWING NAMED ATTORNEY OR REPRESENTATIVE OF ANY RECORD PERTAINING TO ME WHICH APPEARS IN ANY IMMIGRATION AND NATURALIZATION SERVICE SYSTEM OF RECORDS: Maureen O'Sullivan (Name of Attorney or Representative) THE ABOVE DISCLOSURE IS IN CONNECTION WITH THE FOLLOWING MATTER: Any and all matters before the U.S. Immigration & Naturalization Services, and any other government agency, as it relates to this case. Name of Person Consenting Date Angela Cheng-Cimini, Human Resources 11-06.04 (NOTE: Execution of this box is required under the Privacy Act of 1974 where the person by ng represented is a citizen of the United States or an alien lawfully admitted for permanent residence.

RECEIPT NOIBER	
EAC-04-107-51197	CASE TYPE 1129
March 1, 2004 PRIORITY DATE	PETITION FOR A NONIMMIGRANT WORKER
NUTICE DATE PAGE March 2, 2004 1 of 1	TIAX LLC
LAURIE B. RICCIO	BORAL, ANINDYA A.
LAW OFFICES OF RICHARD M COSTA	Notice Type: Receipt Notice
18 TREMONT STREET SUITE 601	
BOSTON MA 02108	Amount received: \$ 130.00

The above application of petition has been received or to process this type of case. Please roulfy us immediately if any of the above information is incorrect It is usually takes 90 to 350 days from the dute of these

Who will send you a written notice as soon as we make a decition on this case. You can also use the phone number (300) The 1869 of notain case status information direct from our substituted system 2¢ hours a day with a touch touc phone ≥ad

if you have other questions about possible immigration benefits and services. filing information, or imagnition and In granity occurs guestions upone possible commagnetics levelines and services, criting an elementary, or annuagate roll and involved and service Center (NCSC) at 1-800-375-5283. If you are

the law else least the INS on the intermet at www.bolo.pop on our wet site you can get-up to date case a actu office distances grown distance and find valuable information model completion services and a medical

Please see the additional information on the back. You will be notified separately about any other cases you filed. VERMONT SERVICE CENTER

75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



RECEIPT NUMBER	LASTVE
EAC-04-107-51258	CASE TYPE 1539
RECEIVED DATE March 1, 2004 PRIORITY DATE	APPLICATION TO EXTEND/CHANGE NONIMMIGRANT STATUS
NOTICE DATE March 2, 2004 PAGE 1 of 1	BORAL, JAYATI
LAURIE B. RICCIO	

LAW OFFICES OF RICHARD M COSTA 18 TREMONT STREET SUITE 601 BOSTON MA 02108

Notice Type: Receipt Notice

Amount received: \$ 140.00

The above application or patition has been received. It invally takes 60 to 90 days from the data of this terming for The above rapport detect of preservoir has been received. The dealer content of the above information is incorrect

We will send you a written outles as soon as we make a decision on this case. You can also use the phone number (800) 375-1280 to cident case statue information direct from our automated system 24 hours a day with a touch tone phone and

(i you have or any questions about possible immigration benefits and securces, filing information, or immagration and Manufacture designed forms, please call the INS National Custorer Service Center (NGS) at 1-800-375-5283 If you are

And una about his the instance on the insernet of www.bois.gov. On our web site you can get up-to-date case scatus To remainson en elle comes non und valueble information about application arrivers and banefic.

Please see the additional information on the back. You will be notified separately about any other cases you filed. VERMONT SERVICE CENTER

75 LOWER WELDEN STREET SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



From. Origin 1D: (617)482-4500 Jun Crowley KAPLAN O'SULLIVAN & FRIEDMAN 10 WINTHROP SQ FL 3

BOSTON, MA 02110

BILL SENDER

Ship Date: 17NOV04 Actual Wgt: 1 LB System#: 2374736/INET2000 Account#: S

REF: Boral (new case) MOS/wo



SHIP TO: (617)482-4500

Premium Processing Vermont Service Center 30 Houghton Street

St. Albans, VT 054782399

STANDARD OVERNIGHT

7908 3365 5265 TRK#

0201

THU Deliver By 18NOV04

AΜ BTV

05478 -VT-US



Shipping Label: Your shipment is complete

- 1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
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- 3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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